

REMARKS

Claims 1, 5, 7, 8, and 10-17 are all the claims pending in the application.

Claim 1 has been amended to incorporate claim 19, which has been canceled, and support for the amendments to claim 1 can also be found, for example, in the disclosure at page 30, lines 15-19 taken together with the disclosure of 5% in Examples 3-10, 13-16 and 21 of the present specification.

Entry of the above amendment is respectfully requested.

With respect to the art rejections, Applicants note that the composition of Haars is a suspension that has a consistency like honey (see, e.g., page 4 of the Response filed January 28, 2004). The reason why the Haars composition has such a form is because such a form is needed for the intended use in Haars, i.e., as an adhesive agent (binder) for wood.

In contrast, claim 1 of the present application has been amended to recite that the composition is in the form of a solution to be diluted upon use, or powder or granulated powder to be dissolved upon use. Such a form is directed to the intended use for the present invention, i.e., for the injection treatment of wood for preservation.

Since Haars is directed to an adhesive agent, one would not have been motivated to modify the form of the Haars composition to a form different from that needed to obtain an adhesive agent, and thus one would not have arrived at the present invention from the cited art including Haars.

Moreover, claim 1 as amended is not obvious because the cited art including Haars neither teaches nor suggests that the lignosulfonic acid or lignosulfonate is present in an amount of 0.01 to 5% by weight.

AMENDMENT UNDER 37 C.F.R. § 1.114(c)
U.S. Application no.: 09/319,384

Attorney Docket No.: Q54629

Thus, Applicants submit that the present invention is not obvious over the cited art, and withdrawal of the obviousness rejections is respectfully requested.

If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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